

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA

vs.

(1) Itzandy Aguirre-Anica
(2) Miguel Angel Caldera-Aguilar

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NO: EP:24-CR-02868(1,2)-KC

TAKE NOTICE that the above-entitled case has been set in the United States District Court in El Paso, Texas as follows:

ARRAIGNMENT: **Tuesday, January 7, 2025 at 8:30 a.m.** before U.S. Magistrate Judge Anne T. Berton, Albert Armendariz Sr., U.S. Courthouse, Room #412, 4th Floor

PLEA DEADLINE: **February 5, 2025**

STATUS **Wednesday, February 19, 2025 at 9:30 a.m.** before U.S. District Judge Kathleen Cardone, Albert Armendariz Sr., U.S. Courthouse, Room #522, 5th Floor
CONFERENCE:
NOTE: DEFENDANT MUST APPEAR IN PERSON

ALL ADDRESSEES on this notice (except those for information only) must appear in person unless excused from appearing by the Court. Defendants entering a plea of "Not Guilty" who wish to waive personal appearance at arraignment and their attorneys are excused from appearing if the enclosed waiver is executed and signed by both the defendant and the attorney of record, AND FILED BY 4:30 P.M. ON THE DAY PRECEDING THE SCHEDULED DAY OF ARRAIGNMENT. Take note that if the arraignment is before a United States Magistrate Judge, only a plea of "Not Guilty" may be accepted.

WHENEVER DEFENDANTS OR WITNESSES IN CRIMINAL CASES HAVE NEED FOR THE SERVICES OF THE OFFICIAL COURT INTERPRETER, THE ATTORNEY CONCERNED MUST INFORM THE DISTRICT CLERK NOT LATER THAN FIVE (5) DAYS BEFORE THE COURT APPEARANCE.

NOTE TO ATTORNEY FOR DEFENDANT: The official records in this case show a current address of the defendant. Since you communicate frequently with the defendant and thereby know changes to his/her address, it is requested that you promptly communicate the changes of address of your defendant-client to this office.

DATE: December 27, 2024

PHILIP J. DEVLIN, Clerk

By: _____

Deputy Clerk

To: COURT*COUNSEL FOR THE DEFENDANT*DEFENDANT*U.S. ATTORNEY*U.S. MARSHAL*U.S. PROBATION*U.S. PRETRIAL*U.S. MAGISTRATE

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**WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT
AND
ENTRY OF PLEA OF NOT GUILTY**

COMES NOW Defendant in the above referenced case who, along with his undersigned attorney, hereby acknowledges the following:

1.) Defendant has received a copy of the indictment or information in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his Constitutional Rights, after being advised of all the above by his attorney.

2.) Defendant understands he has the right to appear personally with his attorney before a Judge for arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he will be so arraigned in open Court.

Defendant, having conferred with his attorney in this regard, hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the indictment or information, and, by this instrument, tenders his plea of “not guilty”. The defendant understands that the entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

Date: _____

Defendant

Attorney for Defendant

ORDER

APPROVED by the Court. A plea of “Not Guilty” is entered for defendant effective **this date**.

Date: _____

United States Magistrate Judge

WAIVER OF MINIMUM TIME TO TRIAL

3.) Defendant understands that he has a right to minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he will not be brought to trial during this thirty (30) days period.

Defendant, having conferred with his attorney in this regard, hereby **WAIVES** the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

Date: _____

Defendant

Attorney for Defendant

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DEFENDANT'S NOTICE OF INTENT TO PLEAD GUILTY

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Comes now, undersigned counsel for the Defendant, _____, on this day and respectfully notifies the Court of his/her intent to plead guilty in lieu of appearing at the Status Conference scheduled for _____, and in support of said Notice shows the Court as follows:

- ____ 1. The Defendant moves to have the above styled and numbered cause set for a Plea Hearing and states that said Plea Hearing may be referred to the United States Magistrate to be set at the Court's convenience.

The Defendant requests the plea be set in ____ 2 weeks, ____ 3 weeks; or ____ weeks.

- ____ 2. The Defendant moves to have the above styled and numbered cause set for a Plea and Sentencing Hearing before this Court to be set at the Court's convenience. The Defendant understands it can only be sentenced at the time of the Plea if Defendant obtains that approval from the United States Probation Office to have a Pre-Sentence Investigation Report prepared for that date. The Defendant accepts the responsibility to resolve that approval and sentencing issue with the United States Probation Office.

The Defendant requests the plea be set in ____ 2 weeks, ____ 3 weeks.

3. The defendant waives his right to a speedy trial and agrees that the time from the date of filing of this Notice in the CM/ECF system to the setting of the plea hearing is excludable time within the meaning of the Speedy Trial Act, 18 U.S.C.

§3161.

4. This Motion is filed not later than the scheduled Plea Deadline.

Respectfully submitted,

_____(signature)

_____(typed or printed name)
Defense Counsel for

_____(typed or printed name)
Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Notice was served upon opposing counsel, UNITED STATES ATTORNEY'S OFFICE by facsimile or electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant, in accordance with the Federal Rules of Criminal Procedure on the ____ day of _____, 20__.

Defense Attorney

COURT INSTRUCTIONS REGARDING NOTICE OF INTENT TO PLEAD GUILTY
HON. KATHLEEN CARDONE

1. Defense counsel will be allowed to file the corresponding Notice of Intent to Plead Guilty (hereinafter “NOTICE”) if the circumstances of the particular case meet the requirements of the Motion. **ABSOLUTELY NO ALTERATIONS MAY BE MADE TO THE FORM NOTICE.**
2. Those attorneys who wish to request that the Court set a case for a “Plea Hearing” may file the NOTICE and mark an “X” in the appropriate space.
3. The corresponding NOTICE **MUST** be filed by the scheduled Plea Deadline.
4. Any NOTICE filed pursuant to these instructions requires only the signature of the defense attorney, but service of the NOTICE upon the United States Attorney is required.
5. File a single NOTICE for each case. DO NOT file a single NOTICE with more than one cause number. If you are eligible to file NOTICE in each case, you **MUST** file one NOTICE per case.
6. Questions about this process may be directed by attorneys to the Courtroom Deputy.